

REMARKS/ARGUMENTS

In the Final Office Action, the Examiner has rejected claims 1-35 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,645,077 (*Rowe*) in view of U.S. Patent No. 5,991,399 (*Graunke et al.*). The Examiner's rejection of claims is fully traversed below.

Initially, it is respectfully submitted that the Examiner's rejection is improper for failing to address all of the recited features of the claimed invention. More particularly, it is respectfully submitted that the Examiner has not even addressed the claim feature of: sending information relating to the decrypted one of the first or second operating data to a remote device to be authenticated by the remote device (claim 1). Instead, the Examiner has merely alleged that *Graunke et al.* teaches a manner of encryption suitable for the distribution of software without addressing this claimed feature (Final Office Action, page 3). Accordingly, it is respectfully submitted that the Examiner's rejection should be withdrawn. Moreover, it is respectfully submitted that *Graunke et al.* does not teach or suggest this claimed feature. This distinction is believed to be apparent as *Graunke et al.* does not teach authentication of decrypted data. Instead, *Graunke et al.* teaches secure distribution of a private key to a user's application program with conditional access based on certification of the trusted player's integrity and authenticity (*Graunke et al.*, Abstract). It should be noted that "once validated, the trusted player uses the private key to decrypt encrypted digital content" (*Graunke et al.*, Abstract). As such, *Graunke et al.* clearly teaches verification of a trusted player before decryption of encrypted digital content, not authentication of decrypted content. In fact, *Graunke et al.* teaches away from the claimed feature of sending information relating to the decrypted one of the first or second operating data to a remote device for authentication by the remote device. Claim 1 and other independent claims recite this feature and are therefore patentable over *Graunke et al.*

Furthermore, it is respectfully submitted that *Graunke et al.* does not teach or suggest taking remedial action when the decrypted one of the first or second set of operating data is not authenticated by the gaming machine. In the Final Office Action, the Examiner has asserted that operations 118, 119, 120, 128 and 138 depicted in Figure 4B of *Graunke et al.* teach this feature (Final Office Action, page 3).

It is noted that *Graunke et al.* describes checking the integrity and authenticity of a trusted player (119) and generate a fail condition (128) if the trusted player is not ok (*Graunke et al.*, Figure 4B). However, contrary to the Examiner's assertion, it is respectfully submitted that *Graunke et al.* does not teach taking remedial action when the decrypted data is not authenticated by the remote device.

Still further, it is respectfully submitted that *Graunke et al.* does not teach or suggest: (a) taking remedial action including not allowing the decrypted one of the first or second set of operating data to be executed by the gaming machine, (b) storing the decrypted one of the first or second set of operating data when the decrypted one is authenticated by the remote device, and (c) executing the first or second game utilizing the decrypted one of the first or second set of operating data when the decrypted one is authenticated. Accordingly, it is respectfully submitted that claim 1 is patentable over *Graunke et al.* for these additional reasons.

Finally, it is respectfully submitted that the Examiner has failed to establish a prima facie case of obviousness because the Examiner has failed to provide a motivation or suggestion for combining Rowe and Graunke et al. Instead, the Examiner has merely asserted that "one of ordinary skill in the art would have been forced to seek outside references, such as the *Graunke et al.* reference for disclosure as to the known manners and/or procedures of enacting the encryption as described in the first invention of Rowe" (Final Office Action, page 3).

Based on the foregoing, it is submitted that the claims are patentably distinct over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any

further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. IGT1P376). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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